

J. Thomas



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Rowe Company
File: B-265906
Date: September 7, 1995

DECISION

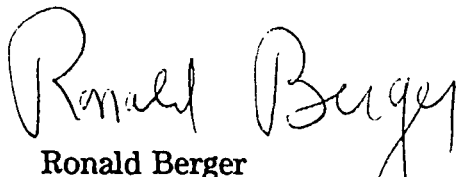
Rowe Companies protests any award by the Defense Logistics Agency under request for proposals No. SP0100-95-R-0022, a small business set-aside.

We dismiss the protest because we will not question a nonresponsibility determination where the contractor found nonresponsible fails to avail itself of the certificate of competency (COC) procedure established for small businesses.

When a small business firm is determined to be nonresponsible by a contracting officer, that contracting officer must refer the matter to the Small Business Administration (SBA) for consideration of issuance of a COC. 15 U.S.C. § 637(b)(7) (1988). After the referral has been made it is incumbent upon the small business to file a complete and acceptable COC application with the SBA in order to avail itself of the potential protection provided by statute against unreasonable or bad faith determinations of nonresponsibility. Commerce Funding Corp., B-236114, Oct. 2, 1989, 89-2 CPD ¶ 287.

The agency advises that according to a letter dated July 27, 1995, from the SBA, Rowe failed to file an acceptable application for a COC. Accordingly, we will not review the protest.

The protest is dismissed.


Ronald Berger
Associate General Counsel

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